THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.17268 OF 2004

DATED: 17-7-2007

Between:

P.Rambhav

.. Petitioner

and

The Depot Manager, APSRTC, Asifabad
Depot, Adilabad District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.17268 OF 2004

ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the award, dated 04.12.2000, passed in I.D.No.41 of 1997, on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District, and quash the same as arbitrary and illegal; and consequently to direct the 1st respondent to reinstate the petitioner with continuity of service and all attendant benefits.

It appears, the petitioner, who was working as Conductor in the A.P. State Road Transport Corporation, was removed from service of the Corporation, after conducting a detailed enquiry into certain cash and ticket irregularities alleged to have been committed by him. Aggrieved thereby, the petitioner filed a claim petition under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the 2nd respondent – Industrial Tribunal-cum-Labour Court, Godavarikhani. The Labour Court, after going through the documents filed on behalf of the management, held that the punishment of removal from service, imposed on the petitioner, was in proportion to the charges and, accordingly, dismissed the claim petition confirming the removal order passed by the 1st respondent-management. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner states that the Labour Court has not appreciated the matter in a proper perspective, except discussing about the documents marked on behalf of the management and stating that the petitioner has admitted the charges leveled against him and, therefore, he is guilty of the charges. Therefore, the impugned award is liable to be set aside.

On the other hand, the learned counsel for the 1st respondent-

management supported the award passed by the Labour Court and prayed for dismissal of the writ petition.

On perusal of the impugned award, I am in full agreement with the submissions made by the learned counsel for the petitioner. It is the primary duty of the Labour Adjudicator to go into each and every aspect of the case and see whether the domestic enquiry conducted by the management was valid and, even if it is valid, whether on the basis of the evidence available on record, the petitioner could be held to be guilty of the charges or not. But, in the instant case, no such detailed findings are recorded by the Labour Court. The Labour Court has adopted a novel method of mentioning the exhibits, recording crisply the content therein and holding the petitioner guilty of the charges. I am of the opinion that the Labour Court has not furnished any cogent reasons for coming to the conclusion that the petitioner was guilty of the charges. The Labour Court ought to have recorded elaborate and categorical findings on each charge framed against the petitioner.

For the aforementioned reasons, the impugned award, dated 04.12.2000, passed by the Labour Court is liable to be set aside and is, accordingly, set aside. The matter is remanded to the 2nd respondent- Industrial Tribunal-cum-Labour Court, Godavarikhani, for fresh adjudication and to pass a reasoned order, as per law, within a period of six weeks from the date of receipt of a copy of this order, after issuing notice to both the parties as required under the law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

17th July, 2007
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